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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/206,720 12/07/98 WILSON

K 20WILSON/BOA

EXAMINER

PM82/1025

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VANAMAN, F	
ART UNIT	PAPER NUMBER

3611

DATE MAILED:

10/25/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/206,720

Applicant(s)
Wilson et al.

Examiner
Frank Vanaman

Group Art Unit
3611



☒ Responsive to communication(s) filed on Aug 12, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-9, 11, 13-15, and 18-27 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-9, 11, 13-15, 18-25, and 27 is/are rejected.

☒ Claim(s) 26 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Status of Application

1. The amendment filed August 12, 1999 has been entered in the application. Claims 1-9, 11, 13-15, and 18-27 are pending, claims 10, 12, 16, 17, and 28 having been canceled.

Specification

2. The objections to the specification, as set forth in the previous office action, have been withdrawn in view of applicant's amendments to the specification.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-5, 7-9, 11, 13-15, 18, 20-25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tibbals (cited previously) in view of Schorr (US 4,196,916). Tibbals teaches a sports board (10) having top, bottom and side surfaces, with upturned front and rear ends (fig. 2), the ends having arcuate shaped portions, the board having a plurality of hollow sections extending between the front and rear ends of the board, including a central keel portion (between ridges 16) having a width greater than its height (see fig. 4), and extending between a bottom surface of the ridges (16) and top surface of the board, as broadly claimed; and a pair of laterally spaced side sections (defined between the board rim, the top surface and bottom surfaces of respective ridges 16), the board underside carrying front and rear wheel trucks (6, 8). The reference of Tibbals fails to teach the board as being made from aluminum. Schorr teaches a skate board having an upwardly concave profile and optionally made from a metal. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the board of Tibbals from a metal as taught by Schorr for the purpose of providing a generally lightweight, yet strong and durable board structure. The reference of Tibbals as modified by Schorr fails to specifically teach the metal as being aluminum, however aluminum is very well known for its strength to weight ratio and the ease with which it may be machined and worked. As such, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the board of Tibbals as

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modified to be metallic by Schorr out of aluminum in order to facilitate a simple manufacturing process. Further it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the upwardly concave cross section as suggested by Schorr to the cross sectional shape of the skateboard of Tibbals for the purpose of allowing a rider's feet to parallel the riding surface, even under turning conditions (Schorr at col. 2, lines 56-63, for example).

As regards claims 23 and 24, the reference of Tibbals as modified by Schorr fails to provide particular force to deflection characteristics for the sports board, however, it is generally well known to adjust cross sections of elements to obtain different stress-strain characteristics and as such it would have been obvious to one of ordinary skill in the art at the time of the invention to select the material characteristics, for example the thickness, of the board such that deflection is limited under particular loadings for the purpose of tuning the board by stiffening it.

As regards claims 25 and 27, the reference of Tibbals as modified by Schorr fails to explicitly teach the method steps of forming the board, the board may be made by such a method. As regards claim 25, the reference of Tibbals as modified by Schorr fails to teach a heat treating of the board. As applicant has acknowledged with respect to industrial processes (at page 8 of the remarks filed August 12, 1999), heat treating is very well known in the mechanical arts, for example as an annealing step, and is particularly well known where materials may be shaped (such as by bending) and resultantly work-hardened to the point that they become more brittle than the non-worked material. As such, it would have been obvious to one of ordinary skill in the art at the time of the invention to heat treat the board of Tibbals as modified by Schorr as part of its manufacture, for the purpose of preventing brittle failure in the board after bending processes.

5. Claims 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tibbals as modified by Schorr as applied to claims 5 and 11, respectively above, and further in view of Endo (cited previously). The reference of Tibbals as modified by Schorr fails to teach plastic end guards connected to the ends of the board. Endo et al. teach a sports board having a board structure with ends to which are attached resilient guards (2, 3). It would have been obvious to one of ordinary

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skill in the art at the time of the invention to provide resilient guards as taught by Endo et al. to the front and rear ends of the sports board of Tibbals as modified by Schorr for the purpose of protecting the board from abrasion during usage.

Allowable Subject Matter

6. Claim 26 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: As regards the allowability of claim 26, while the reference of Tibbals, in combination with Schorr teaches a metallic skate board, it is not considered obvious to further make the structure taught by Tibbals by an extrusion process as such a process would not allow the board shape taught by Tibbals. While Mayr teaches that an extrusion process is well known for ski devices, and Dickert teaches the attachment of wheels to skis, allowing their use as "skate boards" as broadly claimed, neither reference teaches that it would be considered obvious to extrude the ski of Mayr from aluminum rather than the plastic material taught by Mayr, particularly in view of the differences in conditions associated with the extrusion of plastics and metals.

Response to Arguments

8. As regards the hollow characteristics of the keel and side sections of the reference of Tibbals, applicant is reminded that the term "hollow" does not specifically imply a closed section, but indicates an unfilled or void space which may or may not be closed by a continuous element or surface.

As regards the selection of board dimensions which provide a specific deflection at a specific load, the argument that the board "would necessarily become thicker" is noted, but these limitations are not present in the claims. As such, the examiner submits that adjusting cross sections of elements to obtain different stress-strain characteristics in a board would fall within

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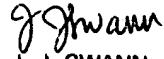
the realm of experimenting towards optimization, for example in the direction of tuning the board characteristics.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Houser (US 3,118,157) teaches the use of an aluminous material in the manufacture of water skis, snow skis, and surfboards.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Vanaman whose telephone number is (703) 308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Assistant Commissioner for Patents

Washington, DC 20231

or faxed to :

(703) 305-3597 or 305-7687 (for formal communications intended for entry; informal or draft communications may be faxed to the same number but should be clearly labeled "UNOFFICIAL" or "DRAFT")

FRANK B. VANAMAN

Patent Examiner

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Frank Vanaman

October 21, 1999

FBV
10/21/99